

Application No. 10/532,427
Amendment dated December 7, 2006
After Final Office Action of September 7, 2006

Docket No.: 5024-0102PUS1

AMENDMENTS TO THE DRAWINGS

Please enter the attached New Sheet containing new Fig. 6A.

REMARKS

With the entry of this Amendment, claims 8 and 22-30 will be pending in this patent application.

ELECTION OF SPECIES

On page 2 of the September 7, 2006 Final Rejection, the Examiner stated a requirement for restriction between a species of the invention defined by claims 8, 22-27 and 30 and another species defined by newly presented claims 28 and 29. Because Applicant had received an action on the merits for the species of claims 8, 22-27 and 30, the Examiner held that Applicant had constructively elected that species and held claims 28 and 29 to be withdrawn from further consideration as being drawn to a non-elected species.

Applicant traverses the Examiner's requirement for restriction. The spool illustrated in Fig. 15, upon which claims 28 and 29 read, has features in common with the spool illustrated in Figs. 1-14, and a search for the spool of Figs. 1-14 would have considerable overlap with a search for the spool of Fig. 15. Applicant therefore submits that searching and examining claims to both spools would not impose an undue burden on the Examiner, while it would benefit Applicant by eliminating the considerable additional expense of preparing, filing and prosecuting a separate application directed to the spool of Fig. 15.

OBJECTIONS TO DRAWINGS

In the *OFFICE ACTION SUMMARY/APPLICATION PAPERS/10* of the Final Rejection, the Examiner indicates that the drawings filed on 22 April 2005 and 22 August 2006 are "objected to by the Examiner."

As part of a Reply filed on August 22, 2006, Applicant submitted a Replacement Sheet with added Fig. 14A for the purpose of obviating the objection to the drawings stated on page 2 of the May 22, 2006 Office Action. In a telephone discussion with Applicant's representative on September 21, 2006, the Examiner said that the added Fig. 14A was acceptable and that objection to the drawings filed on August 22, 2006 would be withdrawn.

In the Final Rejection the Examiner objected to the drawings as not showing a construction of the support mechanism, as recited in claim 8, in which the support shaft is

provided at the center of the *second* side member and the receiver shaft is provided at the center of the *first* side member.

In this paper, Applicant is submitting a New Sheet containing new Fig. 6A, which shows an implementation of the alternative support mechanism recited in claim 8. Support for the construction shown in new Fig. 6A is provided in the original specification in paragraphs [0009], [0015] and [0021] and in original claims 2, 9 and 16.

No new matter is introduced by the amendments to the drawings presented herein.

AMENDMENTS TO SPECIFICATION

In this paper, Applicant is making amendments to the specification necessitated by the new drawing Fig. 6A.

No new matter is introduced by the amendments to the specification presented herein.

SECTION 112, 2ND PARAGRAPH REJECTION

Claims 8, 22-27 and 30 were rejected under 35 USC § 112, second paragraph, as being indefinite. Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 8, 22-27 and 30 as now presented.

In amendments to claim 8 made in this paper, Applicant has eliminated specific language to which the Examiner objected and has taken care to provide antecedent bases where needed for terms used in the claims.

Applicant trusts that the Examiner will find that each of claims 8, 22-27 and 30, as now presented, is in full compliance with the requirements of 35 USC § 112, second paragraph.

PRIOR ART REJECTION I

Claim 8 was rejected under 35 USC § 102(b) as being anticipated by JP 30-13286 (JP '286). Applicant traverses this rejection insofar as it might be deemed applicable to claim 8 as now presented.

Referring to Fig. 2 of JP '286, the Examiner characterizes element 3 as a "first spool unit ... having a first short cylindrical unit 1" and first and second flanges. The Examiner characterizes element 6 as a "second" spool unit having third and fourth flanges.

Without acquiescing in the rejection, Applicant is amending claim 8 to recite the second spool unit as having "a second side member forming a wall extending radially inwardly at the other side of the second cylindrical unit and also forming a fourth flange extending radially outwardly at the other side of the second short cylindrical unit." As explained in the specification of this application, the claimed spool is particularly compact and convenient compared to spools of the prior art.

Obviously, the spool disclosed in JP '286 has no element that could be fairly characterized as meeting the requirements for the second spool unit that are now recited in amended claim 8. Accordingly, Applicant submits that JP '286 does not offer a disclosure of a spool having the combination of elements recited in claim 8.

In view of the foregoing observations, Applicant submits that the disclosure in JP '286 cannot properly serve as a basis for rejecting claim 8, as now presented, under 35 USC § 102(b).

PRIOR ART REJECTION II

Claims 8, 22 and 25-27 were rejected under 35 USC § 102(b) as being anticipated by JP 4-103473 (JP '473). Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 8, 22 and 25-27 as now presented.

The spool illustrated in the drawing figures of JP '473 includes a first spool unit 1 and a second spool unit 8 that is axially slidable within the first spool unit and coupled to the first spool unit so that the two spool units are not detachable. The second spool unit in the JP '473 spool does not have an element that could be fairly equated with "a receiver shaft integrally provided in the other one of the side members and being orthogonal to the other one of the side members to be coupled with the support shaft."

Applicant submits that a fair reading of the disclosure in JP '473 cannot satisfy the requirements for a spool having a combination of elements as recited in applicant's amended claim 8.

Obviously, the novelty of independent claim 8 inheres in dependent claims 22 and 25-27. The dependent claims are also novel because of additional limitations that they recite. For example, the disclosure in JP '473 offers no disclosure that can meet the "fitting tolerance" recited in claim 22.

In view of the foregoing observations, Applicant submits that the disclosure in JP '473 cannot properly serve as a basis for rejecting any of claims 8, 22 and 25-27, as now presented, under 35 USC § 102(b).

PRIOR ART REJECTION III

Claim 30 was rejected under 35 USC § 103(a) as being unpatentable over JP '286 in view of US 3442464 (Broos). Applicant traverses this rejection insofar as it might be deemed applicable to claim 30 as now presented.

The Examiner cites Broos as having a side member provided detachably on a cylindrical unit and concludes that, because of the disclosure in Broos, it would have been obvious to modify a flange of the spool unit 6 of the JP '286 spool so that it includes a detachable side member.

The modification of the JP '286 spool proposed by the Examiner would entail a reconstruction of the JP '286 spool that is not suggested by disclosure in either JP '286 and Broos. The resulting spool would not be recognizable as a spool made according to the disclosure in JP '286. Applicant submits, therefore, that the modification of JP '286 proposed by the Examiner would not have been obvious.

Applicant also notes that Broos offers no remedy for deficiencies in the JP '286 disclosure vis-à-vis the requirements of amended independent claim 8 identified above. Thus, no reasonable combination of the disclosures in JP '286 and Broos would produce a spool meeting the requirements of independent claim 8 or dependent claim 30.

In view of the foregoing observations, Applicant submits that no reasonable combination of the disclosures in JP '286 and Broos can properly serve as a basis for rejecting claim 30, as now presented, under 35 USC § 103(a).

PRIOR ART REJECTION IV

Claims 23 and 30 were rejected under 35 USC § 103(a) as being unpatentable over JP '473 in view of Broos. Applicant traverses this rejection insofar as it might be deemed applicable to either of claims 23 and 30 as now presented.

Using the same rationale employed in the rejection of claim 30 (PRIOR ART REJECTION III), the Examiner cites Broos as making obvious a modification of the JP '473 spool whereby a flange of second spool unit 8 would include a detachable side member.

For the same reasons provided above in the discussion of PRIOR ART REJECTION III, Applicant submits that the modification of the JP '473 spool proposed by the Examiner would not have been obvious and that no reasonable combination of the disclosures in JP '473 and Broos would produce a spool meeting the requirements of independent claim 8 or dependent claims 23 and 30.

In view of the foregoing observations, Applicant submits that no reasonable combination of the disclosures in JP '473 and Broos can properly serve as a basis for rejecting claims 23 and 30, as now presented, under 35 USC § 103(a).

CONCLUSION

In view of the amendments, observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the objection and the rejections stated in the outstanding Office Action and recognize all of the pending claims as allowable.

If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be resolved expeditiously.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: December 7, 2006

Respectfully submitted,

By 

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Attachment: New Sheet containing new Fig. 6A